

R E M A R K S

This paper is being filed in response to the Office Communication, dated January 28, 2003, which issued in connection with the above-identified application.

The Examiner has alleged that the following groups of claims each constitute a separately patentable invention:

Invention Group I: Claims 1-9, drawn to a bioassay plate having silver ions immobilized thereon;

Invention Group II: Claims 10-14, drawn to a method of making a multi-well plate having silver ions immobilized thereon;

Invention Group III: Claim 15, drawn to a method for detecting an antigen;

Invention Group IV: Claims 16, drawn to a method for detecting a first antibody;

Invention Group V: Claims 17-19, drawn to a kit for the detection of a first antibody;

Invention Group VI: Claims 20-22, drawn to a kit for the detection of an antigen; and

Invention Group VII: Claim 23, drawn to an apparatus for activating microplates.

In Applicant's previous response to the first issued Restriction Requirement, dated August 13, 2002, Applicants traversed the Restriction. For the same reasons, Applicants respectfully wish to traverse the present Restriction Requirement. Applicants assert that the relationship between Groups I to VII is such that consideration of these two groups together would not pose an unreasonable search burden. If the Examiner deems the traversal persuasive, Applicants wish to elect to pursue the subject matter of claims 1-9 and 23 of Group I and Group VII for prosecution on the merits in the above-referenced patent application and to cancel claims 10-22 without prejudice to pursuing the cancelled claims in any divisional or continuation applications.

In the event the Examiner does not deem the traversal to be persuasive, Applicants elect to pursue the subject matter of claims 1-9 of Group I for prosecution on the merits in the present application and to cancel claims 10-23, without prejudice to pursuing the cancelled claims in any divisional or continuation applications.

Applicants believe that no fee is required in connection with this submission. Nevertheless, the Commissioner is hereby authorized to deduct any fees required in connection with this submission from Deposit Account No. 02-4377. Two copies of this paper are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.

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Louis S. Sorell
PTO Reg. No. 32,439

Alicia A. Russo
PTO Reg. No. 46,192

30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500
Attorneys for Applicants